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C O N F I D E N T I A L SECTION 01 OF 02 LISBON 002046

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SUBJECT: PORTUGAL ON KOSOVO NEXT STEPS

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Classified By: Charge d'Affaires a.i. David Ballard for reasons 1.4 (B) and (D).

Summary

¶1. (C) Portugal's MFA political director Vasco Bramao Ramos acknowledged to Charge on August 8 that the 120-day period of additional negotiations on Kosovo was unlikely to produce a breakthrough. He said there is a growing realization within the EU that Kosovo will declare independence shortly after December 10, and he is working with his EU counterparts to find a legal basis, in the absence of a UN Security Council Resolution, for individual member states to recognize Kosovo and to deploy a crucial ESDP rule of law mission. He clarified that the "extra time" needed beyond the 120-day period was not for additional negotiations but, rather, to permit the EU to manage its response to Kosovo's expected declaration of independence. The key meeting for the EU in that regard -- when Portugal hopes to secure consensus of foreign ministers on the way forward -- will be the General Affairs and External Relations Council in November. Portugal has delivered blunt messages to Serbian and Russian leaders that Kosovo independence is inevitable and that Belgrade and Moscow will have to live with it. Foreign Minister Amado intends to reiterate that message in a visit to the region, perhaps in late August. End Summary.

¶2. (C) CDA, accompanied by Poleconcouns, delivered ref A talking points to MFA political director Vasco Bramao Ramos on August 8. Bramao Ramos was joined by his deputy, Jorge Cabral, and Balkans advisor Carla Monteiro. CDA reviewed the latest developments, including formation of the Contact Group troika, and stressed our view that December 10 should be a firm end date for the negotiations, at which point we and our European allies would have some decisions to make. He solicited Bramao Ramos' assessment of current EU thinking on the way forward.

¶3. (C) Bramao Ramos said the EU continues to consider carefully a "Plan C," as he had told EUR A/S Fried in Lisbon in mid-July. He reiterated his earlier point to A/S Fried that the EU will likely need U.S. help in securing the assent of key parties to an additional few weeks after December 10 in order to reach an acceptable agreement. There is "more or less" an understanding within the EU on the need to be flexible and imaginative. Asked what he meant, the political director emphasized the EU's commitment to most principles in the Ahtisaari plan. In private, though, the Ahtisaari plan could no longer be viewed as the "absolute Bible" on Kosovo (although he was quick to emphasize they wouldn't make that point publicly.). If we go into this 120-day exercise saying to Belgrade that there can be no outcome other than Kosovo independence, then the 120 days is "useless."

Serbian leadership

14. (C) Bramao Ramos said it is critical that the U.S. and EU continue to deliver clear, unequivocal messages to the Serb leadership. President Tadic "tells us every time to do what you have to do" and he will look the other way. PM Kostunica, on the other hand, is more hard-nosed. When PM Kostunica was recently in Lisbon, PM Socrates, FM Amado, and Bramao Ramos spent a two-hour lunch telling the Serbian leader that he should have no illusions -- independence for Kosovo is the end game and there are no alternatives. He should understand that Europe is opening its arms to Serbia, but in turn Kostunica must be prepared to be flexible. This inevitability may be sinking in with Kostunica, but so long as he believes giving up Kosovo would end his political career, he won't budge.

Russia

15. (C) Portugal, the political director insisted, has been forceful in saying to the Russians that they must be part of the solution. For them, Kosovo is a matter of principle and precedent and, in opposing independence, they are asserting that they are once again a major international player. There is only a slim chance we can bring the Russians on board but we have to try, Bramao Ramos urged.

Post-December 10

16. (C) Bramao Ramos was skeptical that any progress will have been achieved by December. The EU will need to move

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forward nonetheless at that point and will need a couple of additional weeks "to get our act together." That will be a very delicate time, he said, and if we don't do the right things, the situation could go very wrong.

17. (C) The planned ESDP mission is fundamental, and it is extremely important it be deployed on the ground alongside KFOR, according to Bramao Ramos. If there is no UN Security Council Resolution, however, it is Portugal's view that an ESDP mission will be in violation of international law. "I know that is not the U.S. view," he added, noting that he had discussed the legal issues in depth with Legal Advisor John Bellinger during the latter's visit to Lisbon in late July (ref B). Asked whether this view was shared EU-wide, the political director acknowledged a lack of EU consensus on the topic. In any case, the EU will need to be creative. It is critical to get the ESDP mission on the ground as soon as possible and, in the absence of a UNSCR, the EU must find another legal basis to do so. We haven't found one yet but we will find a way to do it, Bramao Ramos vowed. There is a much stronger coherence within Europe than two months ago on the need to "do what we must when we must."

18. (C) The CDA asked Bramao Ramos to clarify why the EU planned to seek several additional weeks beyond December 10. Did he understand correctly that the extra time would not be used simply to extend negotiations but, rather, to give the key players time to develop and implement next steps? "Exactly that," Bramao Ramos replied. There are certain steps we cannot take before December 10 because they would send the wrong signals and perhaps undermine the negotiations. During the 120 days, we need to be entirely focused on trying to reach agreement. After the 120 days, we will be looking at managing a unilateral declaration of independence by Kosovo and subsequent recognition by some countries (at this point, it is unclear which ones). If we play it well, it would be the endgame in the Balkans for the next generation. He cautioned, though, that independence not blessed by the UN would buttress those who support formation of a "greater Albania."

¶9. (C) The Charge asked whether the informal Gymnich gathering of foreign ministers September 7-8 would endorse an EU position on the way forward post-December 10. The ministers at that meeting would certainly take stock of developments to that point, the political director replied, but they almost certainly will not reach any consensus on Kosovo. The key meeting in that regard -- particularly in determining the legal basis for the recognition of independence and for the ESDP mission -- would be the November General Affairs and External Relations Council (GAERC).

¶10. (C) Bramao Ramos reported that FM Amado still hopes to travel to Belgrade and Pristina, and is currently looking at the end of August. His message to leaders in both places will be that independence is inevitable and that they must find a way to make it work.

Comment

¶11. (C) We were encouraged that there appears to be a consonance of views with Portugal over the way forward, at least at the strategic level. According to Bramao Ramos, Portugal's position is that Kosovo independence is inevitable, and Lisbon has been delivering that message to both the Russian and Serb leadership. Although Bramao Ramos was not prepared to write off the 120-day period, he was not optimistic about the chance for a breakthrough. He appears increasingly focused on managing what happens after December 10, particularly finding a legal basis for individual EU members states to recognize Kosovo's independence in the absence of a UNSCR and for subsequent deployment of the planned ESDP mission.

Ballard